

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the Southern California Regional Rail Authority (SCRRA) in cooperation with the City of Los Angeles to construct a permanent at grade pedestrian crossing at the Sun Valley Metrolink Station located on the Valley Subdivision at railroad milepost 15.50 in the City of Los Angeles, County of Los Angeles, California.

Application 02-12-001
(Filed December 2, 2002)

O P I N I O N**Summary**

Southern California Regional Rail Authority (SCRRA), in cooperation with the City of Los Angeles, respectfully requests authorization to construct a new Sun Valley Metrolink Station at-grade pedestrian rail crossing (CPUC Crossing No. 101VY-15.50) on the SCRRA's Valley Subdivision track in the City of Los Angeles, County of Los Angeles, California. The request is granted.

Discussion

SCRRA is the five-county joint powers authority created pursuant to State of California Public Utilities Code Section 130255 and California Government Code Section 6500 et seq., to build and operate the Metrolink commuter train system. The five county member agencies are comprised of the following: Los Angeles County Metropolitan Transportation Authority (MTA), Ventura County Transportation Commission, Orange County Transportation Authority, San Bernardino Associated Governments and Riverside County Transportation

Commission. SCRRA builds, operates and maintains commuter rail system in the five county areas on rail rights of ways owned by the member agencies.

MTA is the owner of the right of way for this project.

Sun Valley Metrolink Station at-grade pedestrian rail crossing, designed and to be maintained by the City of Los Angeles, will cross the Valley Subdivision at milepost 15.50. A site map of the at-grade pedestrian rail crossing is as shown on plans attached to the application and Appendix A.

SCRRA currently has a single main line track through this area. The 8-foot wide crossing surface will be made of concrete panels. The crossing warning devices will consist of one CPUC Standard No. 8 highway crossing flashing light signal assembly located on each side of the railroad track. The CPUC Standard No. 8 flashing light signal assembly on the east side of the railroad track will have three sets of flashing red lights, one directed towards the crossing, and one directed towards each direction of the pedestrian path. The other CPUC Standard No. 8 flashing light signal assembly on the west side of the railroad track will have two sets of flashing red lights, one directed towards the crossing and the other directed towards the pedestrian path located on the south side. A guard rail will be installed on the east side of the railroad track between the end of the existing platform and the new pedestrian crossing.

Signal house, train detection and signal control circuitry, track circuits and other equipment necessary to make the two crossing signals function, as a system, will also be installed at the crossing. SCRRA will also replace the existing railroad track (rail, ties, ballast and other track materials) with a new railroad track and pre-cast concrete panels. The general plan with layout for permanent at grade pedestrian crossing is shown in Appendix B.

SCRRA will maintain, repair and renew the crossing area between lines two feet outside of the rails of each track. The maintenance shall be done pursuant to CPUC General Order 72-B. SCRRA will share equally with the City of Los Angeles the maintenance cost of the railroad warning devices and signal controls in accordance with Public Utilities Code Section 1202.2.

The proposed at-grade pedestrian rail crossing is needed to provide improved public access to individuals who ride public bus transit from their community to reach this station to ride Metrolink. A new bus stand will be constructed near the station on the west side of the existing station platform. If this crossing is not built as designed, bus riders will have to go to either Penrose Street or Sunland Boulevard grade crossings and then back-track to the station.

SCRRA is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. SCRRA found that this new commuter rail system project, a project that institutes passenger commuter rail services on rail rights-of-way already in use, is exempt from CEQA pursuant to Public Resources Code Section 21080 (b) (11) and CEQA Guidelines Section 15275. Section 21080 (b) (11) provides an exemption for projects to increase passenger or commuter services on rail or highway rights of way already in use, including modernization of existing stations and parking facilities. Section 15275 provides a corresponding categorical exemption under the CEQA Guidelines. SCRRA filed Notice of Exemption from CEQA for construction and operation of a commuter rail system on September 18, 1991. A copy of this Notice of Exemption is attached in Appendix C.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider that portion of the environmental

consequences of a project within its area of expertise that is subject to its discretionary approval. The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission has reviewed SCRRA's Notice of Exemption under CEQA Guideline 15275. The Notice of Exemption is good for an undefined period of time because the activities covered by this exemption are so broad and some of the contemplated activities might not take place until some years after the original project was built. We adopt SCRRA's determination that the project is exempt from CEQA for purposes of our approval.

The Commission's Consumer Protection and Safety Division — Rail Crossings Engineering Section staff (RCES), has inspected the site of the project. RCES examined the need for and the safety of the proposed crossing and related railroad construction and recommends that the application be approved.

The application is in compliance with the Commission's filing requirements, including Rule 38 of the Rules of Practice and Procedure, which relates to the construction of a public road, highway, or street across a railroad.

In Resolution ALJ 176-3103, dated December 17, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protest was filed, this preliminary determination remains accurate. It is not necessary to disturb the preliminary determinations made in Resolution ALJ 176 -3103.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on December 5, 2002. No protests were received. A public hearing is not necessary.

2. SCRRA requests authority, under Public Utilities Code Sections 1201-1205, to construct a permanent at-grade pedestrian rail crossing at the Sun Valley Metrolink Station in the County of Los Angeles.

3. The permanent at-grade pedestrian rail crossing at the Sun Valley Metrolink Station is needed to provide improved public access to the bus riders who ride public bus transit from their community to reach this station to ride Metrolink trains to work.

4. Public convenience, necessity and safety require the construction of Sun Valley Metrolink Station at-grade pedestrian rail crossing.

5. SCRRA is the lead agency for this project under CEQA, as amended.

6. This new commuter rail system project, a project that institutes passenger commuter rail services on rail rights of way already in use is exempt from the CEQA under the Section 21080 (b) (11) of California Public Resources Code and CEQA Guidelines Section 15275.

7. SCRRA filed Notice of Exemption from CEQA for construction and operation of a commuter rail system on September 18, 1991.

8. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Notice of Exemption. We adopt SCRRA's determination that the project is exempt from CEQA for purposes of our approval.

Conclusions of Law

1. This order should be effective immediately as SCRRA wishes to commence construction of the project at the earliest possible date.
2. We find that the environmental documents are adequate for our decision-making purposes.
3. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. Southern California Rail Authority (SCRRA) is authorized to construct an at-grade pedestrian rail crossing at the Sun Valley Metrolink Station on the SCRRA's Valley Subdivision track at milepost 15.50 in the City of Los Angeles, County of Los Angeles.
2. The crossing warning devices will consist of one CPUC Standard No. 8 highway crossing flashing light signal assembly located on each side of the railroad track. The CPUC Standard No. 8 flashing light signal assembly on the east side of the railroad track will have three sets of flashing red lights, one directed towards the crossing, and one directed towards each direction of the pedestrian path. The other CPUC Standard No. 8 flashing light signal assembly on the west side of the railroad track will have two sets of flashing red lights, one directed towards the crossing and the other directed towards the pedestrian path located on the south side.
3. A guard rail shall be installed on the east side of the railroad track between the end of the existing platform and the new pedestrian crossing.
4. Clearances shall be in accordance with General Order (G.O.) 26-D.

5. Walkways shall conform to G.O. 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

6. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between SCRRA and City of Los Angeles (parties). A copy of the agreement, together with plans of the project, shall be filed with the Commission by SCRRA prior to construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

7. Within 30 days after completion of the work under this order, SCRRA shall notify the Rail Crossings Engineering Section in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work was completed.

8. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

9. The application is granted as set forth above.

10. Application 02-12-001 is closed.

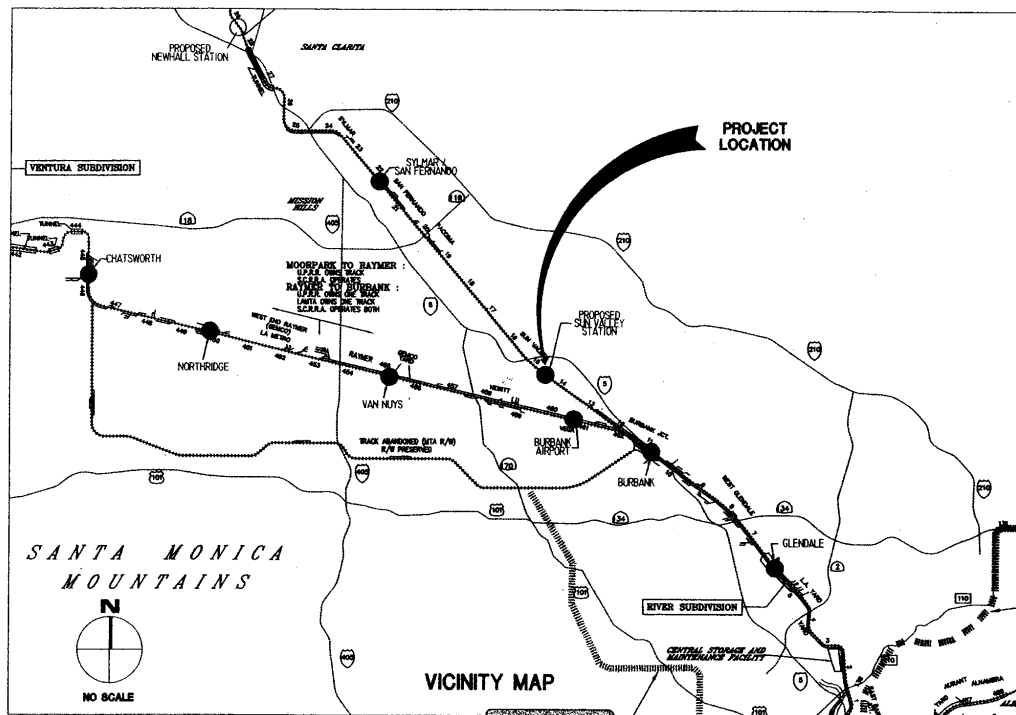
This order is effective today.

Dated _____, at San Francisco, California.

SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY

COMMUTER RAIL PROJECT

SUN VALLEY INTERMODAL METROLINK STATION



APPROVED BY: Michael E. McGinley
MICHAEL MCGINLEY, BORRA

DATE 2/1/00

APPROVED BY: Helene Jacobs
HELENE JACOBS, LADOT

DATE: 1/25/00

SUBMITTED BY: *H. Miralles*
MIRALLES ASSOCIATES

DATE 1-14-00

SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY

NOTICE OF EXEMPTION

ORIGINAL REC'D

SEP 18 1991

To: County Clerk
County of Los Angeles
111 North Hill Street
Los Angeles, CA 90012

COUNTY CLERK
BY D. Coleman DEPUTY

Subject: Filing of Notice of Exemption for Southern California
Regional Rail Authority Commuter Rail (SCRRA) System

Contact Person: Richard Stanger

Project Location: Counties of Los Angeles/San Bernardino/
Orange/Ventura/Riverside/San Diego

Attached is an action of the Southern California Regional Rail
Authority adopted on September 13, 1991 approving the Project and
authorizing this Notice of Exemption.

CERTIFICATION

The undersigned, duly qualified Executive Director of the SCRRA
certifies that the attached memo to the SCRRA dated September 13,
1991 and this Notice of Exemption are true and correct copies of
the action adopted at a legally convened meeting of the SCRRA
Commission held on September 13, 1991.

APPROVED:

Richard Stanger
RICHARD STANGER
Executive Director

Date

9/17/91

ATTEST:

Lorraine Host
LORRAINE HOST
Secretary

Date

9/17/91

APPROVED AS TO FORM:

DE WITT W. CLINTON
County Counsel

Nina W. Phillips
NINA W. PHILLIPS
Senior Deputy County Counsel

EXHIBIT (B)